

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH NEAL SANBERG,

Defendant.

No. 25-CR-200-SVW

PROTECTIVE ORDER REGARDING  
DISCOVERY CONTAINING PERSONAL  
IDENTIFYING INFORMATION AND  
PRIVACY ACT INFORMATION

The Court has read and considered the parties' Corrected  
Stipulation for a Protective Order Regarding Discovery Containing

1 Personal Identifying Information and Privacy Act Information, filed  
2 by the government and defendant JOSEPH NEAL SANBERG ("defendant") in  
3 this matter on April 29, 2025, which this Court incorporates by  
4 reference into this order, and FOR GOOD CAUSE SHOWN the Court hereby  
5 FINDS AND ORDERS as follows:

6 1. The government's discovery in this case relates to  
7 defendant's alleged crime, that is, a violation of 18 U.S.C. § 1349:  
8 Conspiracy to Commit Wire Fraud.

9 2. A protective order for the discovery is necessary so that  
10 the government can produce to the defense materials containing third  
11 parties' PII. The Court finds that disclosure of this information  
12 without limitation risks the privacy and security of the  
13 information's legitimate owners. Because the government has an  
14 ongoing obligation to protect third parties' PII, the government  
15 cannot produce to defendant an unredacted set of discovery  
16 containing this information without this Court entering the  
17 Protective Order. Moreover, PII makes up a significant part of the  
18 discovery in this case and such information itself, in many  
19 instances, has evidentiary value. If the government were to attempt  
20 to redact all this information in strict compliance with Federal  
21 Rule of Criminal Procedure 49.1, the Central District of  
22 California's Local Rules regarding redaction, and the Privacy Policy  
23 of the United States Judicial Conference, the defense would receive  
24 a set of discovery that would be highly confusing and difficult to  
25 understand, and it would be challenging for defense counsel to  
26 adequately evaluate the case, provide advice to defendant, or  
27 prepare for trial.

1           3.     An order is also necessary because the government intends  
2 to produce to the defense materials pursuant to Federal Rules of  
3 Criminal Procedure 16, 17, and 18 U.S.C. § 3500, and the  
4 government's general obligation to produce exculpatory and  
5 impeachment material in criminal cases, that may contain information  
6 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act  
7 Information"). The Court finds that, to the extent that these  
8 materials contain Privacy Act information, disclosure is authorized  
9 pursuant to 5 U.S.C. § 552a(b)(11).

10           4.     The purpose of this Protective Order is therefore to  
11 (a) allow the government to comply with its discovery obligations  
12 while protecting this sensitive information from unauthorized  
13 dissemination, and (b) provide the defense with sufficient  
14 information to adequately represent defendant.

15           5.     Accordingly, the discovery that the government will  
16 provide to defense counsel in the above-captioned case will be  
17 subject to this Protective Order, as follows:

18               a.     As used herein, "PII Materials" includes any  
19 information that can be used to identify a person, including a name,  
20 address, date of birth, Social Security number, driver's license  
21 number, telephone number, account number, email address, or personal  
22 identification number.

23               b.     "Confidential Information" refers to any document or  
24 information containing PII Materials that the government produces to  
25 the defense pursuant to this Protective Order and any copies  
26 thereof.

27               c.     "Defense Team" includes (1) defendant's counsel of  
28 record ("defense counsel"); (2) other attorneys at defense counsel's

1 law firm who may be consulted regarding case strategy in this case;  
2 (3) defense investigators who are assisting defense counsel with  
3 this case; (4) retained experts or potential experts, advisors,  
4 consultants, and vendors; and (5) paralegals, legal assistants, and  
5 other support staff and student personnel to defense counsel who are  
6 providing assistance on this case. The Defense Team does not  
7 include defendant, defendant's family members, or any other  
8 associates of defendant.

9 d. The government is authorized to provide defense  
10 counsel with Confidential Information marked with the following  
11 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE  
12 ORDER." The government may put that legend on the digital medium  
13 (such as DVD or hard drive) or simply label a digital folder on the  
14 digital medium to cover the content of that digital folder. The  
15 government may also redact any PII contained in the production of  
16 Confidential Information.

17 e. If defendant objects to a designation that material  
18 contains Confidential Information, the parties shall meet and  
19 confer. If the parties cannot reach an agreement regarding  
20 defendant's objection, defendant may apply to this Court to have the  
21 designation removed.

22 f. Defendant and the Defense Team shall use the  
23 Confidential Information solely to prepare for any pretrial motions,  
24 plea negotiations, trial, prospective witness preparation, joint  
25 defense or common interest discussions, and sentencing hearing in  
26 this case, as well as any appellate and post-conviction proceedings  
27 related to this case, or with such other persons as hereafter may be  
28 authorized by agreement in writing by the parties.

1           g. The Defense Team shall not permit anyone other than  
2 the Defense Team to have possession of Confidential Information  
3 while outside the presence of the Defense Team, except that  
4 defendant may access Confidential Information outside the presence  
5 of a member of the Defense Team through a secure e-discovery  
6 database established by the Defense Team. Defendant may not in any  
7 way print, copy, transmit, or download any Confidential Information  
8 from the database.

9           h. Defendant may see and review Confidential Information  
10 as permitted by this Protective Order, but other than as set forth  
11 herein, defendant may not copy, keep, maintain, or otherwise possess  
12 copies of any Confidential Information in this case at any time.  
13 Defendant also may not write down or memorialize any data or  
14 information contained in the Confidential Information, except if  
15 those notes are left in the custody and control of the Defense Team  
16 and only for the purpose of aiding in the preparation of defendant's  
17 defense.

18           i. The Defense Team may review Confidential Information  
19 with a witness or potential witness in this case, including  
20 defendant. A member of the Defense Team must be present virtually  
21 or in person if PII Materials are being shown to a witness or  
22 potential witness. Before being shown any portion of Confidential  
23 Information, however, any witness or potential witness must be  
24 informed of, and agree in writing to be bound by, the requirements  
25 of the Protective Order. No member of the Defense Team shall permit  
26 a witness or potential witness to retain Confidential Information or  
27 any notes generated from Confidential Information.

1           j. The Defense Team shall maintain Confidential  
2 Information safely and securely, and shall exercise reasonable care  
3 in ensuring the confidentiality of those materials by (1) not  
4 permitting anyone other than members of the Defense Team, defendant,  
5 witnesses, and potential witnesses, as restricted and set forth  
6 above, to see Confidential Information; (2) not divulging to anyone  
7 other than members of the Defense Team, defendant, witnesses, and  
8 potential witnesses, the contents of Confidential Information; and  
9 (3) not permitting Confidential Information to be outside the  
10 Defense Team's offices, homes, vehicles, or personal presence.

11           k. To the extent that defendant, the Defense Team,  
12 witnesses, or potential witnesses create notes that contain, in  
13 whole or in part, Confidential Information, or to the extent that  
14 copies are made for authorized use by members of the Defense Team,  
15 such notes, copies, or reproductions become Confidential Information  
16 subject to the Protective Order and must be handled in accordance  
17 with the terms of the Protective Order.

18           l. The Defense Team shall use Confidential Information  
19 only for the litigation of this matter and for no other purpose.  
20 Litigation of this matter includes any appeal filed by defendant and  
21 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the  
22 event that a party needs to file Confidential Information with the  
23 Court or divulge the contents of Confidential Information in court  
24 filings, the filing should be made under seal. If the Court rejects  
25 the request to file such information under seal, the party seeking  
26 to file such information publicly shall provide advance written  
27 notice to the other party to afford such party an opportunity to  
28 object or otherwise respond to such intention. If the other party

1 does not object to the proposed filing, the party seeking to file  
2 such information shall redact any PII Materials and make all  
3 reasonable attempts to limit the divulging of PII Materials.

4 m. Any Confidential Information inadvertently produced  
5 in the course of discovery prior to entry of the Protective Order  
6 shall be subject to the terms of this Protective Order. If  
7 Confidential Information was inadvertently produced prior to entry  
8 of the Protective Order without being marked "CONFIDENTIAL  
9 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government  
10 shall reproduce the material with the correct designation and notify  
11 defense counsel of the error. The Defense Team shall take immediate  
12 steps to destroy the unmarked material, including any copies.

13 n. Confidential Information shall not be used by any  
14 member of the defense team, in any way, in any other matter, absent  
15 an order by this Court. All materials designated subject to the  
16 Protective Order maintained in the Defense Team's files shall remain  
17 subject to the Protective Order unless and until such order is  
18 modified by this Court. Within 30 days of the conclusion of  
19 appellate and post-conviction proceedings, defense counsel shall  
20 return all PII Materials, certify that such materials have been  
21 destroyed, or certify that such materials are being kept pursuant to  
22 the California Business and Professions Code and the California  
23 Rules of Professional Conduct.

24 o. In the event that there is a substitution of counsel  
25 prior to when such documents must be returned, new defense counsel  
26 must be informed of, and agree in writing to be bound by, the  
27 requirements of the Protective Order before defense counsel  
28 transfers any Confidential Information to the new defense counsel.

1 New defense counsel's written agreement to be bound by the terms of  
2 the Protective Order must be returned to the Assistant U.S. Attorney  
3 assigned to the case. New defense counsel then will become the  
4 Defense Team's custodian of materials designated subject to the  
5 Protective Order and shall then become responsible, upon the  
6 conclusion of appellate and post-conviction proceedings, for  
7 returning to the government, certifying the destruction of, or  
8 retaining pursuant to the California Business and Professions Code  
9 and the California Rules of Professional Conduct all PII Materials.

10 p. Defense counsel shall advise defendant and all  
11 members of the Defense Team of their obligations under the  
12 Protective Order and ensure their agreement to follow the Protective  
13 Order, prior to providing defendant and members of the Defense Team  
14 with access to any materials subject to the Protective Order.

15 q. The Protective Order shall not apply to publicly  
16 available documents and documents contained in defendant's own  
17 electronic devices and accounts, and shall not limit the defendant's  
18 rights under the United States Constitution or the Federal Rules of  
19 Criminal Procedure other than as expressly set forth in the  
20 Protective Order.

21 IT IS SO ORDERED.

22 May 2, 2025

23 DATE



24 HONORABLE STEPHEN V. WILSON  
25 UNITED STATES DISTRICT JUDGE

26 Presented by:

27 /s/

28 NISHA CHANDRAN  
Assistant United States Attorney